

***PROPOSED NEW INTERIM RULE 657,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA***

**RULE 657. INTERIM PROCEDURE FOR CONSIDERATION AND
TRANSMITTAL OF RESIGNATIONS WITH DISCIPLINARY
CHARGES PENDING**

- (a) The written resignation of a member against whom disciplinary charges are pending shall be submitted to the Clerk of the State Bar Court in Los Angeles. The Clerk shall file the resignation if it is dated, bears the original signature of the member and is in the form required by rule 9.21(b) of the California Rules of Court. Upon the filing of the resignation, the Clerk shall serve a copy of the resignation upon the Office of the Chief Trial Counsel.
- (b) The Office of the Chief Trial Counsel shall consider the member's resignation and evaluate whether the resignation should be accepted. In making such evaluation, the Office of the Chief Trial Counsel shall consider the factors set forth in rule 9.21(d) of the California Rules of Court and whether the member submitted his or her resignation after a decision of the State Bar Court was filed recommending the member's disbarment. If it concludes that the member's resignation should not be accepted, the Office of the Chief Trial Counsel shall file with the Clerk, pursuant to subsection (c), written notice of its intent to recommend to the Board Committee on Regulation, Admissions and Discipline Oversight that the resignation be rejected. The Office of the Chief Trial Counsel shall place the issue of the acceptance or rejection of the member's resignation on the agenda for the next available meeting of the Board Committee on Regulation, Admissions and Discipline Oversight.
- (c) The Clerk shall transmit the member's resignation to the Clerk of the Supreme Court, together with an indication that the Board of Governors recommends that the resignation be accepted unless, within 40 days after filing of the resignation with the Clerk, the Office of the Chief Trial Counsel has filed (1) written notice pursuant to rule 652 that perpetuation of evidence is needed; or (2) written notice that the Office of the Chief Trial Counsel intends to recommend the rejection of such resignation to the Board Committee on Regulation, Admissions and Discipline Oversight. In the absence of proof that the member has performed the acts specified in rule 9.20(a) and (b), the Clerk shall indicate in its transmittal to the Clerk of the Supreme Court that the Board of Governors recommends that the Supreme Court include in its order accepting the resignation, an order that the resigned attorney comply with the provisions of rule 9.20.

- (d) If the Office of the Chief Trial Counsel has filed written notice pursuant to rule 652 that perpetuation of evidence is needed but has not filed written notice that it intends to recommend the rejection of the member's resignation, the Clerk shall transmit the member's resignation to the Clerk of the Supreme Court, together with an indication that the Board of Governors recommends that the resignation be accepted. The Clerk shall indicate in its transmittal that the Board recommends that the Supreme Court include in its order accepting the resignation an order that the resigned attorney cooperate in the perpetuation of evidence and reserving jurisdiction over the resigned attorney until perpetuation is complete.
- (e) Upon approval of the Board Committee on Regulation, Admissions and Discipline Oversight following the filing of a report by the Office of the Chief Trial Counsel recommending the rejection of a member's resignation on one or more of the grounds set forth in rule 9.21(d) of the California Rules of Court or on the grounds that the State Bar Court has filed a decision recommending the member's disbarment, the Clerk shall transmit the resignation to the Clerk of the Supreme Court together with an indication that the Board recommends that the resignation be rejected.
- (f) This rule shall become effective upon adoption and shall remain in effect until the Supreme Court adopts amendments to rule 9.21 of the California Rules of Court specifying a different procedure to be followed by the State Bar in the consideration and evaluation of a member's resignation with disciplinary charges pending.